

1 the Court on or about August 27, 2009.

2 1. Rule 26(a) Initial Disclosures. Plaintiff proposes that the Court set the deadline for
3 exchanging initial disclosures as required by Rule 26(a) for a date on or about 30 days after the
4 Status Conference. The Continued Status Conference currently is set for November 4, 2009 at
5 9:30 a.m.

6 2. Scope and Timing of Discovery.

7 a. Plaintiff intends to propound interrogatories, requests for production of
8 documents and requests for admissions within 30 days after the parties' deadline to exchange initial
9 disclosures.

10 b. Plaintiff intends to take the oral depositions of both Defendants within 90 days
11 after the parties' deadline to exchange initial disclosures.

12 c. Plaintiff intends to take the oral depositions of third-party witnesses who may
13 possess information pertaining to Defendants' fraudulent conduct within 120 days after the parties'
14 deadline to exchange initial disclosures. 120 days are needed since the identity of some or all of
15 these third-party witnesses will be disclosed in Defendants' initial disclosures or responses to
16 Plaintiff's discovery requests.

17 3. Discovery Limitations. Plaintiff is informed and believes that many documents
18 responsive to Plaintiff's requests for production have been seized by and remain in the possession of
19 the Butte County Sheriff's Department. If correct, this factor may influence the scope and timing of
20 discovery.

21 4. Claims of Privilege/Protection. Plaintiff anticipates that Defendants will object to
22 producing information pertaining to XtremeStructures, Inc., the president and sole shareholder of
23 which is Timothy Schmidt, on grounds that requested information is privileged, trade secret and
24 proprietary, all of which Plaintiff disputes since information possessed by XtremeStructures, Inc.
25 directly pertains to Defendants' activities that Plaintiff alleges were and are fraudulent.

26 ///

27 ///

28 ///

1 5. Other Orders. Plaintiff is not presently aware of any other orders that should be made
2 at this time.

3 DATED: October 16, 2009

4 McDONOUGH HOLLAND & ALLEN PC
5 Attorneys at Law

6
7 By: /s/ Stephen M. Lerner
8 STEPHEN M. LERNER

9 Attorneys for Plaintiff THE ONE TREE GROUP,
10 INC.